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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,906	09/30/2003	Boyd B. Moore	HO-P01715US2	2934
26271	7590	10/06/2004	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 1301 MCKINNEY SUITE 5100 HOUSTON, TX 77010-3095			NINO, ADOLFO	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/675,906

**Applicant(s)**

MOORE, BOYD B.

**Examiner**

Adolfo Nino

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/30/03</u> . | 6) <input type="checkbox"/> Other: _____  |

***Drawings***

Figures 3 and 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities:

Page 1, it is required that a family of divisional reissue applications contain a cross reference to each other in the specification, see 37 CFR 1.177(a). This rule requires that all multiple reissue applications resulting from a single patent must include as the first sentence of their respective specifications a cross reference to the other reissue application(s). An example of the suggested language to be inserted is in the MPEP, page 1400-62.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Misselbrook et al. (US 5,638,904).

Regarding claim 25 (new), Misselbrook et al. disclose a conductive wire line (66 in fig. 4) comprising a small diameter tubing (102) having an outer diameter and an inner diameter (col. 5, lines 24-25), the tubing having an outer diameter between 1/8"-1/2" (col. 5, lines 24-25); and one or more optical fibers (col. 7, line 67) extending through the inner diameter of the tubing the one or more optical fibers having a helical configuration (not mentioned, but implicitly known since when the tubing is spooled from a reel the optical fiber(s) will yield) inside the tubing so that the one or more optical fibers have a length <sup>longer</sup> ~~longer~~ than the tubing in which the one or more optical fibers extend. *PR 10/1/04*

Regarding claim 26 (new), Misselbrook et al. disclose the conductive wire line of claim 25 further including one or more insulated conductor wires extending along the inner diameter of the tubing (col. 7, lines 37-38).

Regarding claim 27 (new), Misselbrook et al. disclose the conductive wire line of claim 26, wherein the one or more insulated conductor wires have a helical configuration inside the tubing so that the one or more insulated conductor wires have a length longer than the tubing in which the one or more insulated conductor wires extend

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(not mentioned, but implicitly known since when the tubing is spooled from a reel the optical fiber(s) will yield).

Regarding claim 28 (new), Misselbrook et al. disclose the conductive wire line of claim 25, wherein the tubing (102) is at least 1,000 ft. in length (col. 4, lines 40-41).

Regarding claim 29 (new), Misselbrook et al. disclose the conductive wire line of claim 26, wherein the tubing (102) has an inner diameter less than about two-times the diameter of the one or more insulated conductor wires (col. 8, lines 5-6).

Regarding claim 30 (new), Misselbrook et al. disclose the conductive wire line of claim 25, wherein the tubing (102) is formed of stainless steel (col. 5, lines 34-36).

Regarding claim 31 (new), Misselbrook et al. disclose the conductive wire line of claim 25 wherein the tubing (102) is formed of a nickel alloy or stainless steel (col. 5, lines 34-36).

Regarding claim 32 (new), Misselbrook et al. disclose the conductive wire line of claim 25, wherein the tubing (102) is coiled tubing (col. 4, line 41).

Regarding claim 33 (new), Misselbrook et al. disclose the conductive wire line of claim 25, wherein the one or more optical fibers inside the tubing is supported through frictional interface between an outer surface of the one or more optical fibers and an inner surface of the tubing (not mentioned, but implicitly known since when the tubing is spooled from a reel the optical fiber(s) will yield).

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomeer et al. (US 6,065,540) disclose composite coiled tubing. Moore et al. (US Re. 36,833) disclose a temperature compensated wire-conducting tube. Suvanto et al. (US 6,002,825) disclose an optical cable. Gibler et al. (US 5,283,852) disclose an apparatus for embedding optical fibers in metal. Rawlyk et al. (US 5,274,726) disclose optical fiber units. Winter et al. (US 4,878,733) disclose an optical fiber communication cable. Greveling (US 4,875,757) discloses an optical cable. Ohlhaber et al. (US 4,695,127) disclose a hybrid coaxial-optical cable. Smith (US 4,137,762) discloses a wireline apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolfo Nino whose telephone number is (571) 272-1981. The examiner can normally be reached on M-F (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (571) 272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AN

*Dean A. Reichard* 10/1/04  
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